

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of SBC Communications Inc.)	WC Docket No. 04-29
For Forbearance from the Application of)	
Title II Common Carrier Regulation to)	
IP Platform Services		

**INITIAL COMMENTS OF THE
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION**

The National Telecommunications Cooperative Association (NTCA)¹ hereby submits its Initial Comments in response to the Federal Communications Commission's (Commission or FCC) Public Notice in the above-captioned proceeding.²

On February 5, 2004, SBC Communications Inc. (SBC) filed a petition for forbearance from the application of Title II common carrier regulation to Internet protocol (IP) platform services.³ On March 10, 2004, the Commission released a separate Notice of Proposed Rulemaking on IP-enabled services (IP-Enabled Services NPRM) seeking comment on issues and applications making use of the Internet protocol.⁴ Given the fact that there is substantial overlap between the issues presented in the SBC forbearance petition and the IP-Enabled Services NPRM, and parties will raise similar or identical arguments in both proceedings, NTCA

¹ NTCA is the premier industry association representing rural telecommunications providers. Established in 1954 by eight rural telephone companies, today NTCA represents more than 560 rural rate-of-return regulated telecommunications providers. All of NTCA's members are full service incumbent local exchange carriers (ILECs) and many of its members provide wireless, cable, Internet, satellite and long distance services to their communities. Each member is a "rural telephone company" as defined in the Communications Act of 1934, as amended (Act). NTCA's members are dedicated to providing competitive modern telecommunications services and ensuring the economic future of their rural communities.

² *In the Matter Petition of SBC Communications Inc, For Forbearance from the Application of Title II Common Carrier Regulation to IP Platform Services*, WC Docket No. 04-29, DA 04-899, (filed Feb. 5, 2004).

³ *Petition of SBC Communications Inc, For Forbearance from the Application of Title II Common Carrier Regulation to IP Platform Services*, Public Notice, WC Docket No. 04-29, DA 04-899, (rel. March 30, 2004).

⁴ *In the Matter of IP-Enabled Services, Notice of Proposed Rulemaking (NPRM)*, WC Docket No. 04-36, FCC 04-28 (rel. March 10, 2004).

urges the Commission to incorporate the SBC petition for forbearance into the IP-Enabled Services NPRM. The Commission has already incorporated the records of the AT&T, Vonage, and Level 3 IP petitions into the IP-Enabled Services NPRM based on this same reason.

The Commission should not rule on the issues raised in the SBC petition in this limited proceeding. The issues raised in the petition have much broader implications on issues already being considered in the comprehensive NPRMs on intercarrier compensation,⁵ universal service,⁶ wireline broadband service,⁷ and IP-enabled services. To ensure proper review of the issues, administrative efficiency, and appropriate consideration of the impact of the SBC petition on other major ongoing proceedings at the FCC, the Commission should incorporate the record in this proceeding in the IP-Enabled Services NPRM.⁸

Respectfully submitted,

NATIONAL TELECOMMUNICATIONS
COOPERATIVE ASSOCIATION

By: /s/ L. Marie Guillory
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May 28, 2004

⁵ *In the Matter of Developing a Unified Intercarrier Compensation Regime*, Notice of Proposed Rulemaking, CC Docket No. 01-92, (2001).

⁶ *In the Matter of Federal-State Board on Universal Service Seeking Comment on the Commission's Rules Relating to High-Cost Universal Service Support and the ETC Designation Process*, CC Docket No. 96-45, FCC 03J-1, Public Notice (rel. Feb. 7, 2003).

⁷ *In the Matter of Appropriate Framework For Broadband Access to the Internet over Wireline Facilities*, CC Docket No. 02-33, *Universal Service Obligations of Broadband Providers*, *Computer III Further Remand Proceedings*; *Bell Operating Company Provision of Enhanced Services*; *1998 Biennial Regulatory Review – Review of Computer III and ONA Safeguards and Requirements*, CC Dockets Nos. 95-20, 98-10, Notice of Proposed Rulemaking, FCC 02-42 (rel. Feb. 15, 2002).

⁸ NTCA includes its initial comments in the IP-Enabled Services NPRM as part of the record in this proceeding. Attachment A.

CERTIFICATE OF SERVICE

I, Gail Malloy, certify that a copy of the foregoing Comments of the National Telecommunications Cooperative Association in WC Docket No. 04-29, DA 04-899 was served on this 28th day of May 2004 by first-class, U.S. Mail, postage prepaid, to the following persons.

/s/ Gail Malloy

Gail Malloy

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